EVIDENTIARY HEARING

BEFORE THE

CALIFORNIA ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of:	)	
	)	
Application for Certification	)	Docket No.
of SMUD's Cosumnes Power Plant	)	01-AFC-19
Project	)	
	)	

HENDRICKSON HALL

12746 IVIE ROAD

HERALD, CALIFORNIA 95638

FRIDAY, MARCH 14, 2003

9:40 a.m.

Reported by:
Valorie Phillips
Contract No. 170-01-001

COMMITTEE MEMBERS PRESENT

Robert Pernell, Presiding Member

HEARING OFFICER, ADVISORS PRESENT

Garret Shean, Hearing Officer

E.V. (Al) Garcia, Advisor

STAFF AND CONSULTANTS PRESENT

Caryn Holmes, Staff Counsel

Kristy Chew, Project Manager

William Walters, Senior Associate
Aspen Environmental Group

Michael Clayton,

Jeri Scott

Dale Edwards

PUBLIC ADVISER

Roberta Mendonca

APPLICANT

Jane E. Luckhardt, Attorney
Downey, Brand, Seymour & Rohwer

Steven M. Cohn, Assistant General Counsel

Maria de Lourdes Jimenez-Price, Attorney

Colin Taylor, Project Director

Kevin Hudson, Licensing Project Manager

Bob Nelson, Superintendent, Project Development

Scott Flake, Superintendent, Project Development
Engineering

Mark Bastasch, Project Engineer

Thomas Priestley, Senior Environmental Planner

APPLICANT - CONTINUED

Wendy E. Haydon, Environmental Planner
CH2MHILL

Don Logan, Transportation Engineer
CH2MHILL

INTERVENORS

Kathy Peasha

Dustin Peasha

ALSO PRESENT

Matt Kelly
Sacramento-Sierra's Building and Construction
Trades Council

Karen French, Local Homeowner

Virginia Colla, Local Resident

Len Reid Reynoso, Resident

Carol Backert, Resident

Tim Reinart, Resident

Ruth Anne Rose, Resident

Tom May, Resident

Ernest De Angelo, Resident

Marlene De Angelo, Resident

Diane Moore, Resident/Biologist

Jim Buntin, Buntin & Associates

Jacques Peasha, Resident

Stephan Carrillo, Police Seargent

I N D E X

P R O C E E D I N G S

9:38 a.m.

PRESIDING MEMBER PERNELL: Good morning; this is a continuation of the hearing of the SMUD Cosumnes Project. My name is Commissioner Pernell. I'm the Presiding Member of the Committee. The Associate Member is Commissioner Rosenfeld, who is unable to be here today.

To my left is my Advisor, Al Garcia; to my right is our Hearing Officer, Mr. Shean. At this time I'd like the -- can everybody hear me? At this time I'd like the parties to introduce themselves and their team, starting with the applicant, please.

MR. COHN: Commissioner Pernell, Mr. Shean, Mr. Garcia, my name is Steve Cohn, appearing on behalf of Sacramento Municipal Utility District. My co-counsel, Jane Luckhardt, is seated to my right. On my left, Project Director Colin Taylor and Project Manager Kevin Hudson. Also Lourdes Jimenez-Price, on behalf of the District.

PRESIDING MEMBER PERNELL: Good morning, welcome. Staff, please.

MS. HOLMES: Thank you, good morning.

My name is Caryn Holmes; I'm the Attorney for the Energy Commission Staff assigned to this project. And sitting to my right is Kristy Chew, who's the staff's Project Manager. And also at the table and various places in the audience we have several members of staff's technical team.

PRESIDING MEMBER PERNELL: Okay, thank you. Are there any public agencies, any public agencies? Anyone representing other organizations or any community-based organizations?

MR. KELLY: My name is Matt Kelly and I represent the Sacramento Building and Construction Trades Council.

PRESIDING MEMBER PERNELL: Thank you. Welcome. At this time we have a Public -- oh, I'm sorry. Intervenors?

MS. PEASHA: Good morning, Commissioners. My name is Kathy Peasha, Intervenor. And I will have -- I am with myself.

HEARING OFFICER SHEAN: Well, do you want to introduce your assistant?

MS. PEASHA: And my -- this will be one of my witnesses, Dustin Peasha. And he'll be witnessing on some of the noise quality.

PRESIDING MEMBER PERNELL: Okay, great.

All right, the Public Adviser has a brief statement.

MS. MENDONCA: Good morning. I'd just remind members of the audience that wish to participate this morning, we'd ask you to fill out a blue card. And when they're filled out, I'll pick them up and give them to the speaker. And for those of you who have not attended an evidentiary hearing before there's a brief one-page summary of what we're doing today and (inaudible) creating evidence for the decision-making.

Thank you.

PRESIDING MEMBER PERNELL: Thank you. At this time I'll turn the hearing over to our Hearing Officer, Mr. Shean.

HEARING OFFICER SHEAN: Good morning. I just want to acknowledge and thank Bonnie Hayes for provisioning us with food yesterday and today.

PRESIDING MEMBER PERNELL: Yes.

(Applause.)

HEARING OFFICER SHEAN: As well as the sound system. She's taken great care of us; fattening a few of us up. So, thank you very much, Bonnie.

We're going to begin this morning with visual resources. And we have SMUD here with its visual witnesses, and they will be available for cross-examination at the request of Ms. Peasha.

MS. HOLMES: Mr. Shean, did you want to begin with compliance, which we carried over from yesterday? We have our compliance witness available, as well.

HEARING OFFICER SHEAN: All right. Yeah, we'll back that up and do that. Why don't you -- well, let's do what we did yesterday with respect to swearing in witnesses. So, if there's any person who is here who intends to be testifying under oath, we'll ask you to stand and now be sworn by our court reporter.

MR. COHN: Mr. Shean, those who have already been sworn yesterday are still --

HEARING OFFICER SHEAN: Yeah, obviously need not do that.

MR. COHN: -- still sworn. All right.

Whereupon,

ALL WITNESSES PRESENT

were called as witnesses herein, and after first having been duly sworn, were examined and testified as follows:

MS. HOLMES: Thank you. Staff's witness on general conditions, including compliance monitoring enclosure plan is Jeri Scott, who is seated at the table. Jeri could you please spell your name for the court reporter?

DIRECT EXAMINATION

MS. SCOTT: J-E-R-I S-C-O-T-T.

MS. HOLMES: And Ms. Scott, did you prepare the portion of the FSA that I just identified, the general conditions, including compliance monitoring enclosure plan with the exception of Com-8?

MS. SCOTT: Yes I did.

MS. HOLMES: And was a statement of your qualifications included in the FSA?

MS. SCOTT: Yes it is.

MS. HOLMES: And do you have any corrections or changes to make to your testimony at this time?

MS. SCOTT: Yes I have, just one minor change.

MS. HOLMES: Could you identify the page?

MS. SCOTT: The page is 7.1-16, Verification Changes, that's the title. And I

would like to make one change. Pursuant to section 1770 instead of section 1769 (d),. So once again, the change, it should be 1770 instead of 1769 as the section relating to verification changes.

MS. HOLMES: Thank you. Does that conclude your corrections?

MS. SCOTT: Yes it does.

MS. HOLMES: And with those corrections, are the facts contained in your testimony true and correct?

MS. SCOTT: To the best of my knowledge, yes.

MS. HOLMES: And are the opinions contained in this testimony your best professional judgement?

MS. SCOTT: Yes they are.

MS. HOLMES: Ms. Scott, would you please provide a very brief summary of how the compliance process works?

MS. SCOTT: Yes. The compliance process is similar to the siting process. I am the CPM and I head up a team of approximately 15 Energy Commission staff persons. In fact, these are the same people who worked on the different technical

areas during the siting process.

The compliance teams purpose is to oversee construction and operation of this project. And in order to insure compliance with the conditions of certification in the Commission decision, the project owner is required to submit verification to the compliance team showing compliance with the conditions of certification.

Now, this verifications comes in the forms of documents. And once the document is received it's entered into our tracking system and is distributed to the appropriate staff person who reviews it and determines whether or not the document satisfied the conditions of certification.

Now during the construction phase of the project, there will be additional people working. There will be specialists on the site that will be reporting to the CPM team and also recording the daily activities and a monthly compliance report. During the 24 months of construction, the project owner is required to submit to the CPM a monthly compliance report.

This monthly compliance report will detail what has occurred on the site during the

previous month. Describer all submittals that have been sent to the Energy Commission and explain what construction will occur in the following two months.

Now during the construction of the project, the CPM will make regular site visits as will the members of the team. The public may inquire about any -- any document that the project owner submits, unless it is designated confidential. And we keep a tracking system of every document that is submitted.

And members of the public can contact the CPM to obtain copies of any submittal. I think basically that's it. During the construction process and during the operation process if there, if the project owner wants to make any changes to the project description, any changes to the conditions of certification, they must petition the Energy Commission staff.

We will review it, conduct an independent analysis, much the same as the ones that were completed during the siting process. Make a recommendation and present it to the entire Energy Commission for their approval.

Now the members of the public will be

informed of any changes to the project. What I plan to do is to maintain the list. All the lists that were compiled during the siting process. So I will have a list of the property owners, intervenors and agencies. And they will be notified of any changes to this project. Are there any questions?

MS. HOLMES: The witness is available for cross-examination.

CROSS-EXAMINATION

MS. PEASHA: I'm Kathy Peasha have a few questions. You stated that during the construction period there will be -- a quote made by our -- correct me if I'm wrong -- two months prior, the method of the construction that's going to be done, is that correct?

MS. SCOTT: Uh, no, no that is not what I intended to say. So may I repeat what I said?

MS. PEASHA: Certainly.

MS. SCOTT: Okay. Okay --

MS. PEASHA: Do you have a copy -- is this copy is this an --

MS. SCOTT: No.

MS. PEASHA: Okay.

MS. SCOTT: The project owner is

required to submit a monthly compliance report to the CPM. The monthly compliance report consists of all the construction activities that have occurred on the project for the previous month.

Like if they start construction in June and in July, by the 15th of July, they will submit a document to me telling me all the construction activities that have occurred during June. And also in that document they will tell me the activities they plan to participate in or that would occur on the project for August and September. And that's what I was trying to relate.

MS. PEASHA: That's what I believed that you said.

MS. SCOTT: Yes, yes.

MS. PEASHA: The acronym CPM, also is an acronym for critical path method, which construction workers use to do just what you say.

MS. SCOTT: Uh, uh-huh.

MS. PEASHA: And what they do is to keep their equipment and their managers, sub-contractors in line, they also plan out in previous weeks and months ahead to stay on schedule to keep that -- to keep on schedule

primarily and to keep everybody so that they're doing something. So I wanted to clarify, so there will be a critical path method distributed by the construction manager, is it?

MS. SCOTT: It, it, the construction manager may put that document together. But the project owner will submit it to the CPM. I'd like to state that the Energy Commission staff holds the project owner responsible for any, for compliance with any conditions of certification. So they may have other sub-contractors or consultors working for them, but all of the documents will come to me from SMUD.

MS. PEASHA: Which would be your general contractor?

MS. SCOTT: Yeah, SMUD is the project owner.

MS. PEASHA: Right.

MS. SCOTT: Yeah.

MS. PEASHA: So they are general on it?

MS. SCOTT: Yes. Okay, and CPM stands for Compliance Project Manager, that's the way I'm using it.

MS. PEASHA: I understand that too, but it also is an acronym for critical path method for

construction sites. I have no further questions.

HEARING OFFICER SHEAN: Okay, anything from the Applicant?

MR. COHN: No, we have nothing.

HEARING OFFICER SHEAN: Thank you Ms. Scott.

PRESIDING MEMBER PERNELL: Thank you Ms. Scott.

HEARING OFFICER SHEAN: All right, now we will move to visual resources. And the SMUD witnesses.

MS. LUCKHARDT: Okay, for visual resources, the Applicant is going to have quite a group here available. We have Kevin Hudson and Scott Flake, who were sworn previously and testified yesterday. And we are also calling Tom Priestley and Wendy Haydon from the visual resource consultants. And I'm going to go through their testimony and get that entered into the record. And then they will be available for questions. So Mr. Priestly and Ms. Haydon, do you have a copy of Applicants testimony on visual resources in front of you?

DIRECT EXAMINATION

MR. PRIESTLEY: Yes.

MS. HAYDON: Yes.

MS. LUCKHARDT: And you guys, I think you have a recorders mic. Kevin, if you could move the --

UNIDENTIFIED SPEAKER: We might want to move the amplifier mic over to the end.

MS. LUCKHARDT: -- that mic down. Oh, it's taped down.

UNIDENTIFIED SPEAKER: It's taped down?

MS. LUCKHARDT: Then should I talk loud and you take mine? And was this testimony prepared by you or at your direction?

MS. HAYDON: Yes.

MS. LUCKHARDT: And do you have any corrections to your testimony to make today?

MS. HAYDON: No.

MS. LUCKHARDT: And is this testimony true and correct to the best of your knowledge?

MS. HAYDON: Yes it is.

MS. LUCKHARDT: Thank you. We have no specific questions for our witnesses this morning. We have come to agreement with Energy Commission staff on the conditions that they have included in their filing of March 12, 2003 on visual resources. And so our witnesses are available for

questions. And I don't believe we need to summarize unless the Committee would like us to summarize.

HEARING OFFICER SHEAN: No, but at least let's go through the ceremony of seeing if there is objection to qualifying Ms. Haydon and Mr. Priestly as experts? Hearing none, they are so qualified. And is there objection to the admission of the visual resources testimony of the Applicant? Hearing none it is admitted.

All right, in the Pre-Hearing Conference, Ms. Peasha had requested that the Applicant witnesses be available and so with that, Ms. Peasha, if you have questions?

CROSS-EXAMINATION

MS. PEASHA: Wendy Haydon?

MS. HAYDON: Yes.

MS. PEASHA: Could you just reiterate the, the rating for the overall visual impact, or sensitivity from KOP2 for me?

MS. HAYDON: As I recall, I think it was considered low to moderate. We can look it up for you.

REPORTER: Could Ms. Haydon speak into the shorter mic please?

MS. HAYDON: I'm sorry, what?

HEARING OFFICER SHEAN: You have to speak into the reporters microphone.

PRESIDING MEMBER PERNELL: We just ask you to speak up as loud as possible. That way we'll get it on the record.

MS. HAYDON: In the AFC, can you hear me now?

PRESIDING MEMBER PERNELL: Yes.

MS. HAYDON: Okay. In the AFC we stated on page 811-6 that the view from KOP2 was considered to have a moderately low to moderate visual quality.

MS. PEASHA: And that is on the plumes, but just on the towers themselves?

MS. HAYDON: This is just talking about the visual quality of -- during the day so there were no plumes when I was out there.

MS. PEASHA: Okay. Does any of the witnesses here have testimony regarding the plumes and the visual impact at KOP?

MS. LUCKHARDT: I believe that the plume impact analysis was conducted by Ms. Haydon and Mr. Priestly, so they would be available to answer questions on the impacts of that.

MR. PRIESTLEY: And I think, uh, the bottom line statement is that our analysis is consistent with that of CEC Staff in the final Staff Assessment, that the plume would not have a significant impact on views, either from KOP2 or elsewhere in the project area.

MS. PEASHA: In the AFC Supplement B, were there alternatives in the visual impact if there was a different system used such as the dry cooling system made by, I believe, made by one of your witnesses?

MS. LUCKHARDT: Are you asking us as to whether there was an assessment done?

MS. PEASHA: Yes.

MS. LUCKHARDT: Of dry cooling, was that the ?

MS. PEASHA: On the dry cooling system, if that would be a less impact on the visible sensitivities from KOP2?

MS. HAYDON: Kathy, there is no reference to dry cooling in Supplement B.

MS. PEASHA: Okay, I might have the wrong one here then. Is it, okay, perhaps --

PRESIDING MEMBER PERNELL: Perhaps you can just answer the general question. I think if

there was a -- have you done any analysis on dry cooling, and if so, what effect would it have on the visual plume, I think is the question?

MS. PEASHA: That's exactly what I'm getting at.

MS. HAYDON: The visual discussion in it's set 1E, discuss the air cooled condenser. And it talked about the appearance of the air cooled condenser, it did not discuss plumes.

MS. PEASHA: Were there any discussions in your testimonies for a wet/dry cooling tower?

MS. HAYDON: The hybrid system was also evaluated in set 1E. And it was determined that the visual impact would have somewhat of a less impact than the air cooled system because it would be shorter.

MS. PEASHA: Do you have an estimated or guesstimated difference in the impact?

HEARING OFFICER SHEAN: Let's make sure we're talking about -- what it is we're talking about.

MS. PEASHA: The difference between the cooling system that they are going with and the wet/dry.

HEARING OFFICER SHEAN: Okay, sure.

There is the physical cooling system itself, okay. Which would be the visual impact of the hardware. And then you have been discussing at the same time, the visual impact of the plume. Now, with a dry cooling system, there is no plume from the cooling system itself.

There would be somewhat of a plume from the exhaust stack for other reasons. And so I just want to know whether or not you're talking about the structures, the cooling structures themselves or the plume?

MS. PEASHA: To my understanding, there would be some plume from the wet/dry cooling system.

HEARING OFFICER SHEAN: Okay.

MS. PEASHA: And that's why I asked that, if that is not true?

HEARING OFFICER SHEAN: Well, then let's have them answer that question, because I just want to make sure we're talking about the plume effect, as opposed to the structure itself.

MS. HAYDON: Okay, there is no plume from the air cooled condenser, but there is, would be a plume from the hybrid, which I think is what you're asking.

MS. PEASHA: So there are two different opinions of overall visual sensitivity depending on which, what kind of cooling system you used?

MS. HAYDON: The visual sensitivity is the same. We evaluate the physical structures.

MS. PEASHA: Okay, just the visual structures, okay.

MS. HAYDON: Okay. And then the plume is evaluated separately.

MS. PEASHA: I object to the fact that a visual impacts and sensitivities from all areas are bifurcated in two different reports. When you talk about visual sensitivity and visual impacts, you are talking about one thing, visual. And for them so do a report on visual impacts of the towers and visual impacts of the plumes when overall it's a visual impact, I believe that one report should have been reported on.

MS. LUCKHARDT: I don't believe, Mr. Shean that that's what has occurred, at least on, with the Applicants information. We prepared an application for certification. And then as you know, and is typical, you have amendments and then you have responses to data requests from staff. And what they are going through is their analysis.

And I believe that our visual experts, and we can ask them this directly analyzed the visual impact of the whole project. And would have analyzed the impacts of each cooling system entirely.

I don't think you could analyze the plume separate from the physical structure of say, an air cooling system. You have to look at each system separately to analyze the visual impact of the whole thing. And I believe that's what our witnesses did.

HEARING OFFICER SHEAN: Okay, traditionally Energy Commission does the following, they look at the setting without the power plant, anticipating a power plant will go in there and they look at the, essentially the qualities of that setting into which the power plant will be placed. And make a judgement with respect to the visual character that is already there, both sort of in the foreground as well as in the background.

Then, there is a separate analysis of, when you add all the equipment in there, what is the effect going to be from locations that can see

it? Recently, at least the Energy Commission has begun evaluating separately, the additional impact of the visible plume from both the cooling towers and if it's appropriate also the exhaust stacks from the facility.

So that is at least the way our review goes, so that we would want to know, because the plume from the cooling towers is not always visible, or let me say, at times it is more visible than at other times and those are meteorological conditions to capture what is the typical case and then what is the worst case.

So if you can operate within that structure, we could get information that probably is going to enlighten the Committee and the Commission.

MS. PEASHA: Okay, the only other question I have is for the Applicant is, did the visual impact of Rancho Seco's towers have anything to do with the impact that they made regarding the new towers that are being built out there for the new plant?

MS. HAYDON: Rancho Seco is existing, so we considered that the existing environment. But in the cumulative impacts discussion, the presence

of Rancho Seco including the parabolic towers and other projects planned in the area are all considered in the cumulative impacts analysis. So yes, Rancho Seco was considered.

MS. PEASHA: Are you aware that the towers at Ranch Seco plant are no longer needed or have any significance being there anymore according to the NRC?

MS. HOLMES: Yes, I was aware that it's been decommissioned.

MS. PEASHA: So in other words, the visual towers of Rancho Seco could be imploded and they would no longer be compared with the impact of the visuals of the new towers.

MS. HOLMES: Well, I can't speak to whether SMUD would implode --

MR. HUDSON: I can speak to the issue of the cooling towers at Rancho Seco. They are 425-feet tall and 325-feet wide at the base. The situation with the towers is that there are no current funds to demolish the towers anytime in the near future or the future.

MS. PEASHA: What is the -- what would your estimated cost of removing the towers?

MR. HUDSON: I don't have a cost? I'd

be guessing and I can't guess on something like that.

MS. PEASHA: Is SMUD staff still required to be out there because of those towers?

MS. LUCKHARDT: You can answer it if you know the answer.

MR. HUDSON: SMUD Staff is not out there because of the towers. They're still currently decommissioning the nuclear power plant, yes.

MS. PEASHA: Is SMUD now in control of the area of Rancho Seco Power Plant or is the NRC still in charge of what goes on out there?

MS. LUCKHARDT: You can answer if you know the answer. I don't know what the relevance is as to whether the NRC still has regulatory authority over that facility or not. I believe they do because the spent fuel is still there. So that's my understanding, but I don't know if these witnesses are aware of the Rancho Seco status.

HEARING OFFICER SHEAN: Well I thought the words were just about out of his mouth.

MS. LUCKHARDT: If you have the answer, please.

MR. HUDSON: SMUD is still in control of the industrial area out that and is required to

report to the Nuclear Regulatory Commission on activities that are still ongoing out there, yes.

MS. PEASHA: Has the Nuclear Regulatory Commission said that the towers are no longer justified to be out there. That they could come down to your knowledge?

MR. HUDSON: I wouldn't know about that.

HEARING OFFICER SHEAN: Ms. Peasha, You had asked a hypothetical question that didn't quite get answered as a hypothetical. You had asked if the towers were not there, would whatever visual degradation you apply in your analysis because of the presence of the towers, would that visual degradation be reduced, either measurably or significantly?

MS. HAYDON: Well, speaking right off the top of my head and from my memory of being out there, I would say that if Rancho Seco wasn't there, the impact of putting a power plant out there would probably be, the visual impact, would probably be greater than if Rancho Seco was there. I can't really confirm that it would be a significant impact. We'd, you know, we'd need to go out there and really think about and evaluate

the terrain and the landscape.

HEARING OFFICER SHEAN: Okay, I'm going to just move this thing because it makes it so I can't hear.

MS. PEASHA: Wendy, have you seen pictures of the overall impact and simulated views with Rancho Seco in the background?

MS. HAYDON: Yes. I took the photos. I'm the one that went out and took the photos for the simulations.

MS. PEASHA: And did, and do you in your opinion believe that the impact would be less significant, I mean would be more significant to the visual impact if the towers of Rancho Seco were not present?

MS. LUCKHARDT: I believe she indicated that she did not analyze that and I believe she answered that question in response to Mr. Shean.

MS. PEASHA: I believe she also answered that she took the pictures out there. So there is no way without taking pictures of those that she did not see those towers.

MS. LUCKHARDT: I guess I'm misunderstanding your question. I thought you were asking, roughly the same question Mr. Shean

had previously asked. So maybe if you restate it, we'll understand it.

MS. PEASHA: I actually asked her -- she said she'd have to go out there and look at them. She just told me that she's the one that took the photographs.

HEARING OFFICER SHEAN: All right, why don't you just rephrase your -- or repeat your question and let's see if we can.

MS. PEASHA: Wendy, have you seen -- since you were the photographer out there for those and for the simulated plant. Did you or did you not, notice the Rancho Seco Power Plant towers? And do they make any significant -- answer that first, that's fine.

MS. HAYDON: Yes I did go out there. And yes I did take the photos and yes I did see the Rancho Seco plant and they are shown in the photos.

MS. PEASHA: In your opinion, if those were not there, would the impact of the visual towers for CPP be more or less significant for sensitivity from the different KOP's.

MS. LUCKHARDT: That's been asked and answered. That was in response to your question,

Mr. Shean.

HEARING OFFICER SHEAN: Well, actually it wasn't. She asked with respect to the project towers, as opposed to the project itself.

MS. HAYDON: Okay. But what we evaluated is the existing, against the existing condition, which Rancho Seco is out there. So now you are asking me to pretend that Rancho Seco is not there. And then tell you what I think the impact might be?

MS. PEASHA: I'm just asking your opinion if you think that the impact, the visual impact --

MS. HAYDON: I just wanted to clarify that that's what you were asking?

MS. PEASHA: Yes, thank you.

MS. HAYDON: I didn't evaluate that, but you're asking my opinion. And I think I just a few minutes ago said that if the -- if Rancho Seco wasn't there, I think there would -- the landscape would appear more undisturbed, so if the project was going to out there, there would probably be more visual contrast to the landscape.

MS. PEASHA: Did you take the, the, the nighttime pictures also?

MS. HAYDON: Yes I did.

MS. PEASHA: I have no further questions.

HEARING OFFICER SHEAN: Okay, I'd like to get it clarified, since it was raised at the Pre-Hearing Conference, what the night lighting protocols for construction are going to be?

MR. FLAKE: I'll try to answer that question. The construction contractor will set up the lighting situation both in the plant construction area and parking and the lay down areas. Lighting is used on construction for both worker safety, while they're operating during nighttime and early morning conditions. And also for security purposes.

We do not have a contractor selected for this project yet. But based on my experience on past projects, there would generally be some lighting available during the nighttime through the evening for security purposes in the lay down area.

And this would be primarily for security of the equipment that's in the lay down area. Security of people working during the evening hours. And for any, perhaps deliveries that come

during the evenings to get them safely off the road and into the construction site so that they can lay-up during the evening.

MS. PEASHA: I would like to rebuttal on that if I may. During -- or in the report it says that there would be construction during the daytime and there would be no construction or personnel other than maybe security for the CPP Plant. You have no mention or do not have the information that there are even was, or is going to be a lit area on the lay down area. Is that now changed?

MR. FLAKE: I believe the work hours were stated for noisy work between 6 a.m. and 8 p.m. and that is, those hours are stated in the conditions of certification.

MS. PEASHA: Would that require the -- it does not state in there though, that there are lights at the lay down area. At this time, this report, when the FSA came out, there was no conditions of lighting for the lay down area, has that changed?

MR. FLAKE: Can we just take one moment to look up some documentation?

HEARING OFFICER SHEAN: Yes.

(Off the record.)

MR. FLAKE: Visual VIS-4 in the Final Staff Assessment is the guidance that we will be using for our construction lighting. And we'll be complying with this conditions of certification.

MS. PEASHA: Which is on what?

HEARING OFFICER SHEAN: What page is that?

MR. FLAKE: 4.12-44.

MS. PEASHA: Paragraph?

MR. FLAKE: The entire condition, VIS-4, Construction Lighting is the title.

HEARING OFFICER SHEAN: Ms. Peasha, before you --

MS. PEASHA: Am I, am I --

HEARING OFFICER SHEAN: -- Ms. Peasha before you proceed. I need some foundation information for the answers that he's giving to fit into a context with the original question that I started on this. If I understood you correctly, you do have an expectation of construction taking place other than, well, let me just say, how many shifts of construction do you anticipate in the project?

MR. FLAKE: The actual number of shifts

have not been determined. We'll work with the contractor for the exact work hours and if there are second shift requirements.

HEARING OFFICER SHEAN: Okay. Are there any hours of the day that you do not anticipate construction taking place?

MR. FLAKE: That we do not?

HEARING OFFICER SHEAN: That you do not, right, that would be excluded, or could it potentially be all 24 hours in any given day?

MR. FLAKE: I do not expect 24 hour shifts at this site. There could be a potential for a second shift, but again, that relates to the construction schedule, which has not been determined with the contractor.

But typically even the regular workday, we would anticipate to be 8 to 10 hours per day. And during certain times of the year, it's dark during the morning and the evening, so there would be lighting, even if there was just a one shift operation. And then through the night for security purposes. Much , much less lighting however, after the workday ends.

HEARING OFFICER SHEAN: And did I also understand you to testify that there may be

evening deliveries of supplies and material for construction.

MR. FLAKE: At times, long haul truck material is being sourced for this project across the nation and actually globally, trucks will arrive during evening hours or after the normal workday, it would be received by security at the site and then parked on the site.

HEARING OFFICER SHEAN: And it's your expectation that for both the construction site and the lay down site, the Applicant would be complying with provisions of VIS-4?

MR. FLAKE: That is correct.

MS. PEASHA: To my knowledge, they stated they did not have any lights prepared for the lay down area and they would not know until contractors were out there. They also state in their traffic and transportation that the workers would be arriving and leaving so that they would not get into the general commute traffic and so this night construction that they are bringing up right now is not -- is new to me and has not been brought up.

HEARING OFFICER SHEAN: Okay. Well, eventually when we get to the Staff, we'll see if

the Staff contemplated this when they prepared VIS-4, or if it's new to them. Do you have any additional questions of the Applicant?

MS. PEASHA: No, not at this time.

HEARING OFFICER SHEAN: All right, thank you. I have a couple more. Does your testimony include your assessment that the visual impact of the project plume from the cooling towers will be insignificant?

MS. HAYDON: It was less than significant.

HEARING OFFICER SHEAN: Less than significant. And do you know the linear length of the cooling towers if both phases of the project are constructed?

MR. FLAKE: Each cooling tower is approximately 350-feet long. So if both phases, for both phases they would each have one cooling tower, so combined, about 700-feet long.

HEARING OFFICER SHEAN: All right. And what do you understand is the, let's say, modeled worst case height and length of the plume during the meteorological conditions that are most conducive to the visual plume?

MS. HAYDON: Okay, you're asking for the

dimensions of the plumes?

HEARING OFFICER SHEAN: Approximately.

MS. HAYDON: Okay, the tenth percentile plume from a cooling tower for both phases would be about 272-feet long, 384-feet tall and 154-feet wide.

HEARING OFFICER SHEAN: All right. Can you just explain to the committee how in your professional opinion for that plume that occurs ten percent of the time, which is relatively infrequently, you assess or conclude that it's visual impact is less than significant? Give us your, essentially qualitative judgement of why that is less than significant?

MS. HAYDON: Just a moment.

MR. PRIESTLEY: So a number of factors go into the assessment. One is the understanding that this is an occurrence of relatively short duration. It takes place within a relatively limited hours during the year. So it's an intermittent thing.

It's not like this plume is there, a plume of that size is there all the time. The hours within which it occurs are relatively limited and then you need to evaluate to what

extent is it blocking highly valued views, to what extent does it effect the overall character and quality of the environment.

And given the conditions in this area, both our assessment and that of CEC Staff are in agreement, that although the presence of the plume, yes, certainly you would be able to see the plume, and certainly it would have some adverse effect on the setting, but those effects would not be so substantial in that particular context to constitute a significant effect.

HEARING OFFICER SHEAN: Did the staff have any questions of the Applicant witness? Do you have any re-direct?

RE-DIRECT EXAMINATION

MS. LUCKHARDT: I guess I just want to be clear. It's a mine field. I guess I just have one question regarding work hours and I just want you to clarify what you anticipate as far as the workers and lighting on sites and what you anticipate for work beyond a standard shift, or if you, if there's information from the AFC or something that would help to clarify that?

MR. FLAKE: The final shifts have not been settled upon. They will be determined by the

contractor. We anticipate a single shift operation, however, my past experience indicates that during certain times of the project there may be some smaller activity on a second or partial shift in the evening.

During the winter hours, obviously there is less light, so lighting is used during the morning and evening hours for worker safety and a very, very, small amount of lighting is required for security purposes during the night. Again, that's past experience.

I don't -- we have not set in place the exact requirements with the contractor for this project. But I would anticipate they would be very similar.

MS. LUCKHARDT: Okay, I have nothing further.

HEARING OFFICER SHEAN: If SMUD were under what we might call a time crunch in your mind, to construct this power plant, would you anticipate that under those circumstances you would be asking the contractor to finish it with certain, either time, or let me say, performance incentives for time that would add to the shifts that you've contemplated here?

MR. FLAKE: There are a number of ways the that you can increase the number of, you know, the work hours are fixed for the project. And then based on your construction schedule, the contractor can choose to extend a single shift day, they can extend the number of days worked during the week, or they can potentially add a second shift. And that's really up to the discretion of the contractor.

HEARING OFFICER SHEAN: You have not yet hired a contractor for this, is that correct?

MR: FLAKE: Correct.

HEARING OFFICER SHEAN: Do you have, have you prepared BID specifications for potential contractors?

MR. FLAKE: We have.

HEARING OFFICER SHEAN: And do you have, wither a time limit, such as a date on the calendar, or some particular amount of time that you have for the completion of the project?

MR. FLAKE: We have developed a preliminary construction schedule that we provide to the contractors that meets the District's requirements.

HEARING OFFICER SHEAN: Okay, within

that schedule as you see it, does that contemplate multiple shifts, or the single shift and the occasional multiple shifts as you earlier described?

MR. FLAKE: It contemplates a single shift that's a long single shift, I believe it doesn't contemplate a second shift at this time. However, you know, on , it could happen.

HEARING OFFICER SHEAN: Well, let me ask it this way. Is whether or not it requires a second shift dependent upon when and first of all, if but assuming you do receive certification, when that would be? Could the specifications change depending upon when certification occurs, if it occurs?

MR. FLAKE: I'm sorry, I didn't understand the question.

HEARING OFFICER SHEAN: Is within your BID specification, in your mind, is the amount of time that is currently contemplated for the construction of the project, dependent upon when certification would occur, if it does from the Commission?

MR. FLAKE: Our construction schedule does not depend on when certification is granted,

if it's granted by the Commission. It's fixed and it starts when we allowed and permitted to start. Is that your question?

HEARING OFFICER SHEAN: I think so. So the follow-up to that then, is if certification occurs later,let's say, than your originally desired date of June, 2003, does that mean you shift the whole construction schedule from that point, or you squeeze a greater amount of work into less time?

MR. FLAKE: A combination of both.

HEARING OFFICER SHEAN: All right. That's all I have. Thank you very much, that will address --

MS. PEASHA: Excuse me Mr. Shean, I do believe that they -- can I have one moment to look?

HEARING OFFICER SHEAN: -- yes.

RECROSS-EXAMINATION

MS. PEASHA: Let me just direct this question to Kevin Hudson. Kevin, doesn't your statement on construction limit daylight hours for the safety of the commuting traffic. Is there, I have no known information about night construction.

I believe the safety mitigation was prepared so that construction traffic would not interfere with commuting traffic and that's why there was only going to be day shift construction out there.

HEARING OFFICER SHEAN: Ms. Peasha, can I --

MS. PEASHA: Do you --

HEARING OFFICER SHEAN: -- Ms. Peasha can I ask you to hold your question until we get to that traffic and transportation segment. Because I'm at least able to distinguish that. And the topic of traffic and transportation and peak travel and everything else like that is germane to traffic and transportation.

So I'm going to just ask you to hold that question. We will cover that topic area. And obviously the information we've received today begins to open up that area. But it is in the traffic and transportation area, all right? If there anything further then? All right, thank you, your official witnesses are excused.

Do you have some visual people here?

MS. HOLMES: We have visual witnesses, but I think some of us would like a break before.

HEARING OFFICER SHEAN: All right, some of us get a break until 11:00 then.

(Thereupon a recess was taken.)

HEARING OFFICER SHEAN: Back on the record. And the Committee would like the Staff witnesses who prepared the visual and visual plume sections of the FSA to be -- have you already been sworn in, were you here this morning when people were sworn in? Okay, why don't you go ahead with the mechanics of getting that testimony in.

DIRECT EXAMINATION

MS. HOLMES: Thank you, Staff's witness in the area of visual resources is Michael Clayton. And Staff's witnesses in the area of visual plumes are Dale Edwards and Will Walters. And they have both been sworn. Let me start with Mr. Clayton, if he's ready. Mr. Clayton, did you prepare the visual resources testimony that's contained in the FSA?

MR. CLAYTON: Yes.

MS. HOLMES: And was a statement of your qualifications included in the FSA?

MR. CLAYTON: Yes.

MS. HOLMES: He needs a recording microphone. And did you also prepare changes to

the visual resources conditions of certification, which were filed on March 12th?

MR. CLAYTON: Yes. And do you have any additional changes to your testimony at this time?

MR. CLAYTON: Yes, there are two changes to VIS-3, which starts on page 53 of the supplemental testimony. There are two language changes, which I'd like to read in, which we have also received -- have arrived at agreement with the applicant on these changes. The first change is again, on page 53, under the category C, number 1, that paragraph, that item list number is being changed to read as follows. Tree species that are native to the central valley, fast growing and expected to reach the greatest height at maturity for site conditions. And that replaces the existing item 1, item C1.

The second change, is on page 54, the following page. Under the same condition and it is the paragraph before the heading, middle of the page, reading verification in that previous paragraph.

The change is as follows in the middle of the paragraph, where it starts however, the new change reads as follows. For the area West of the

power plant site, the planting must be completed by the end of the first season that is optimal for planting during the first year after the start of site mobilization or other CPM approved time frame. And that's the end of the changes.

MS. PEASHA: And that's the planting of the visual impacts?

MR. CLAYTON: That's the planting of the landscaping for visual mitigation.

MS. HOLMES: And with those changes and corrections, are the facts in your testimony true and correct to the best of your knowledge?

MR. CLAYTON: Yes.

MS. HOLMES: And do the opinions in your testimony represent your best professional judgement?

MR. CLAYTON: Yes.

MS. HOLMES: Thank you. And now I'd like to turn to the visible plumes testimony. Mr. Edwards and Mr. Walters, was that testimony prepared by you or under your direction

MR. WALTERS: Yes.

Mr. EDWARDS: Yes it was.

MS. HOLMES: And are you also including in that the changes to the visible text and

conditions of certification that were filed on March 12th?

MR. WALTERS: Yes.

MR. EDWARDS: Yes.

MS. HOLMES: And was a statement of your qualifications included in the FSA?

MR. WALTERS: Yes.

MR. EDWARDS: Yes.

MS. HOLMES: And do either of you have changes or corrections to those pieces of testimony.

MR. WALTERS: No.

MR. EDWARDS: No.

MS. HOLMES: Are the facts contained in your testimony true and correct to the best of your knowledge?

MR. WALTERS: Yes.

MR. EDWARDS: Yes they are.

MS. HOLMES: And do the opinions contained in your testimony represent your best professional judgement?

MR. WALTERS: Yes.

MR. EDWARDS: Yes they do.

MS. HOLMES: Thank you. And now I'd like to ask the Committee, perhaps, for direction

whether or not they would like to have separate summaries prepared for the visual resources testimony and visible plumes testimony, or if you would just prefer to have one summary. Or if you would just like to move directly to questions?

HEARING OFFICER SHEAN: I think we'll move directly to the questions, since they were not listed for direct testimony? If there objection of the qualification of the witnesses as experts? Hearing none they are so qualified.

Is there objection to the admission of the amended testimony on visual resources and visible plumes? Hearing none, it's admitted.

I'd like the Committee here to lead this off because I just want to ask a couple of questions. Were you present at the testimony earlier this morning provided by the SMUD witnesses with regard to the number and timing of shifts, including information about deliveries by long-haul trucks, et cetera in evening hours?

MR. CLAYTON: Yes I was.

HEARING OFFICER SHEAN: Was your testimony on visual resources and the conditions that you have proposed made in contemplation of that information?

MR. CLAYTON: Yes it was made in -- under the assumption that there would be some degree of night time construction.

HEARING OFFICER SHEAN: Would you have any different recommendations for conditions if there were multiple shifts, including an evening shift?

MR. CLAYTON: No. Our conditions currently account for that.

HEARING OFFICER SHEAN: Okay, with respect to the visible plume, just sort of cut to the chase here, what in your professional opinion supports your conclusion that these visible plumes do not represent a significant visual impact?

MR. EDWARDS: Based on Staff methodology for doing the analysis of visible plumes from cooling towers or from heat recovery steam generator stacks, in the case of this -- or in this particular case, the heat recovery steam generator stacks did not produce a plume that was greater than 10 percent in frequency and therefore, no further detail analysis was done for those.

However, for the cooling tower plumes, they did exceed that ten percent frequency at 18.5

percent of the seasonal daylight, no rain, no fog, clear hours, such that we did do a detailed analysis.

And the conclusion of that analysis was that from two key observation points, based on the various factors involved in the analysis, which are discussed in the analysis and cover the areas of setting as well as visual change from the project.

Staff's result was that the plumes as viewed from these two KOPs, which are at one mile and two mile distant from the project site, based on the visual sensitivity of the viewers as well as the change to the physical environment represented by the addition of plumes, when they exist, was that the plumes, when they do exist, would be co-dominant or less than co-dominant to a subordinate level or distant locations. And as such, overall would be less than significant impact.

HEARING OFFICER SHEAN: Staff has proposed a condition called Plume-1, can you state the purpose of that?

MR. EDWARDS: In most cases, when Staff recommends a conditions of certification it's done

so to reduce to lessen significant an impact that we find to be significant. In this case, however, we did not find the plumes to be significant impact.

However, it's been our practice of recent cases and will continue to be from visual resource staff's perspective at least, that we want to ensure that this less than significant impact, is in fact the case for the duration of the project life, such that we recommend these conditions, like this one here in this case.

That the cooling towers be designed in a manner that matches the analysis that we did, and the Applicant did as well, for the siting case, so that what actually happens in operation of the project is consistent with what we analyze during the siting case.

HEARING OFFICER SHEAN: Now, the typical practice at the Commission is generally to have the verification contain essentially two things, the identification of how the verifying documentation will be presented and a timetable for it's presentation. I notice here that there is a significant amount of substance in the verification. Can you tell me why that is

appearing in the verification and not in the condition itself?

MR. EDWARDS: It probably would be best if I pulled that up, but I'm going to operate from memory for a moment.

MS. HOLMES: Why don't you put it in front of you first.

MR. EDWARDS: Hang on a second.

MS. HOLMES: Take your time.

MR. EDWARDS: One moment.

HEARING OFFICER SHEAN: Predominantly the second paragraph.

MR. EDWARDS: I think in this case what Staff is attempting to do is that the condition portion, or the verification -- excuse me, the requirement portion of the condition, which is above the verification states the intended goal that we want to see the project cooling towers operate and designed and operated such that plume frequencies would not increase beyond the design as certified.

And then everything in the verification is a method of verifying, in fact that that design as specified to us, will meet the goal stated in the requirement portion.

And the way that they do this is by submitting the design plans to us, or as it's described here, the project owner shall provide the CPM for review the final design specifications so that we can verify that the design does match the criteria that is established. And within the verification statement in the next paragraph, which are the temperatures and the, temperatures of both the heat rejection rate, as well -- or the exhaust flow as well as the ambient temperatures.

HEARING OFFICER SHEAN: Is paragraph two of the verification, the design you think is being certified?

MR. EDWARDS: Could you say that again.

HEARING OFFICER SHEAN: Paragraph two of the verification, the design of the cooling tower that you believe is being certified?

MR. EDWARDS: Right, this is a, this is basically --

HEARING OFFICER SHEAN: So that's a yes?

MR. EDWARDS: -- yes, this is a description of the parameters that are consistent with the design that was modeled in our analysis.

HEARING OFFICER SHEAN: Let me just go back to visual resources again and ask the

hypothetical question that was asked by a combination of Ms. Peasha and myself. I'm assuming that the presence of the cooling towers for the Rancho Seco Nuclear Power Plant were a factor in your assessment of the overall visual sensitivity and quality of the area. And what would be your opinion as to the significance of the proposed project, if the Rancho Seco cooling towers were not there?

MR. CLAYTON: It is possible that the outcome of the impact analysis would conclude that the proposed project may have a greater impact without those existing towers being there. But, my response actually would be somewhat similar to the Applicants response, in that you would need to make an evaluation of the project, of the existing landscape setting without those structures. You're talking about just the cooling towers being removed or the entire Rancho Seco Facility, that's two different things.

If we assume it's just the cooling towers that we're talking about, we still have some degree of industrial features in the landscape and so it would require analysis, it would require simulations and then based on that

we'd make a final judgement. But clearly, the cooling towers are a prominent contributing feature to the existing landscape with industrial character and that would be lessened with their removal.

PRESIDING MEMBER PERNELL: On the less than ten percent, this is on the plume, and it was stated that it's less than ten percent of the time. What's the time we're talking about, is that eight hours, 24 hours?

MR. EDWARDS: The ten percent in total hours for the seasonal period, which is the November through April time frame that Staff uses for it's analysis. In this case, the ten percent represents 293 hours spread across that six month period.

HEARING OFFICER SHEAN: And do we understand that ten percent, less than ten percent you said applies to the heat recovery steam generator plume and the cooling tower plume would be approximately 18.5 percent, is that correct?

MR. EDWARDS: The cooling tower plume is 18.5 percent, right, the -- plume was actually at three percent.

PRESIDING MEMBER PERNELL: We're talking

about daylight hours?

MR. EDWARDS: Yes, I think Will wants to pitch in here.

MR. WALTERS: Actually it's daylight hours where the hours where there's already some sort of visible impairment have been taken away. If it's a fog hour, rain hour, where the visibility is less than a certain distance, which in this case, I think we used five miles.

We consider those to be already visually impaired hours. So the actual phrase that we use for these particular hours is called seasonal daylight, no rain, no fog, clear hours. And clear is another separate definition which defines the background, essentially the cloud cover that exists during that hour that was modeled.

And essentially if the background is about 50 percent, or more clear, then we call that a high contrast hour. Whereas if there are clouds in the background, that would be a low contrast between the plume and the background.

CROSS-EXAMINATION

MS. PEASHA: Mr. Edwards, could you please turn to appendix A or your visual plumes testimony? Under existing visual setting, could

you please read your rating for the overall visual sensitivity for KOP2 and KOP3?

MR. EDWARDS: You're talking about the summary page, right?

MS. PEASHA: The appendix A, yeah, the visual plume testimony.

MR. EDWARDS: Okay, the overall visual sensitivity?

MS. PEASHA: The KOP of -- yeah, the visual sensitivity, the overall one.

MR. EDWARDS: For both KOP2 and 3?

MS. PEASHA: Yes Sir.

MR. EDWARDS: The first one, overall visual sensitivity for KOP2, which is a point approximately one mile from the proposed sight is moderate. And the overall visual sensitivity for KOP3 is moderate to high. This is a point that is about two miles from the proposed site.

MS. PEASHA: Okay, now could you please turn to appendix VR1 that was prepared by Michael Clayton, who I understand is under your supervision. Is KOP and KOP3, KOP2 and KOP3 listed in appendix VR1 the same? The same KOP2 and KOP3 are in your appendix A?

MR. EDWARDS: The KOPs are the same.

MS. PEASHA: Could you please read what Mr. Clayton concluded for overall visual sensitivity for KOP2 and KOP3?

MR. EDWARDS: For KOP2, under overall visual sensitivity, he has moderate to high for residents and moderate for motorists. And under KOP3 he has moderate.

MS. PEASHA: It is my understanding that these determinations for visual sensitivity is for the existing setting with no consideration of the new power plant, is that correct?

MR. EDWARDS: Right, it's as the current status is of the area.

MS. PEASHA: So there are two different opinions concerning overall visual sensitivity on the same setting?

MR. EDWARDS: Somewhat dissimilar, yes.

MS. PEASHA: That would be a yes?

MR. EDWARDS: Yes.

MS. PEASHA: Why are there two different conclusions, if both of you are looking at the same scene.

MR. EDWARDS: Well, this gets to a factor that's involved with the fact that we do have two different kinds of analyses happening

here at this point where there is a visual resource analysis, then there's a visible plume analysis. The visual resource analysis is using a slightly different set of factors to arrive at that overall visual sensitivity, than the visible plume analysis uses.

MS. PEASHA: Why would you use slightly different analyses? Why wouldn't they be consistent?

MR. EDWARDS: Well, the factors in the analysis are somewhat different and the reason for the difference is that in the case of visual resource analysis, which has been done by the Energy Commission Staff for a number of years. For that period of years, there has been a consistent revision over time to improve our analyses, to make more realistic and reasonable findings in every case to the extent feasible.

In this particular case, we've reached a point with the plume analysis where we found some changes that were identified as being beneficial to the analysis to improve it's results. And in this case, as well as another siting case and others to come, the new methodology that has been used for the visible plume analysis, has been

adopted and it will be, as I say used in other cases.

So it is a change in the view of staff and improvement over what we've previously done. However, in the Cosumnes case, this change has only been used, or this new methodology has only been used for the visible plume section and not for the visible resource element as well. But in some future cases, we'll be using it across the board for the visual resource analysis including plumes.

MS. PEASHA: But isn't that -- but it is inconsistent to what, to what you're looking at? You've --

HEARING OFFICER SHEAN: He's answered that they are inconsistent. I have a question here. Is there any statement or explanation in Staff's testimony, including testimony filed up to Wednesday afternoon, that explains to the Committee and the Commission that a portion of the analysis used for visual resources is now using, or is presented using a methodology that has been superseded, is it in here?

MR. EDWARDS: Well it hasn't been superseded in essence, because it's still here.

HEARING OFFICER SHEAN: Well you have a better methodology. If I understand your testimony, you've indicated you have a better methodology in appendix B for what you used for the visual plume. And that as a result of a progression in methodologies used by the Staff, you are in the future, going to use the methodology that appears in appendix B.

It just so happens that the methodology in the conclusions in appendix A, use an old methodology and have come to a different result in the characterization of the visual sensitivity. My question is, have you explained in any point in the testimony that has been filed for this Committee and the Commission in deciding this particular application that there is that difference and that you are standing by both analyses?

MR. EDWARDS: I don't believe we have that in our testimony at this time. But we certainly can provide that as a --

HEARING OFFICER SHEAN: Well, you've already provided it in a question by Ms. Peasha, but I guess the question is, why didn't you volunteer that. And since that's argumentative,

I'm not going to ask you.

(Laughter.)

HEARING OFFICER SHEAN: Do you have anything further, Ms. Peasha?

MS. PEASHA: Yes I do. If you've used the overall visual sensitive of moderate to high, used by Mr. Clayton in your analysis, taken from my house, would that rating of sensitivity possibly be changed -- be changed, possibly changed your conclusions concerning the significance of the cooling tower plumes?

MR. EDWARDS: It may have the potential to do that. I'd have to think of it more carefully and what it actually does. What happens when you bring this combination of factors together, in particular the overall visual change and the overall visual sensitivity, different levels of those factors cause different kind of outcomes in Staff's methodology.

It's either definitely significant or definitely not significant. Or it falls into a category of maybe significant. And when it's in that maybe zone, there are extra factors or additional thinking that goes into deciding whether that is in fact a falls to a less than or

a significant impact level. And I haven't done that analysis in that way. So I couldn't really give you an answer right on the spot.

MS. PEASHA: But that point shows the inconsistency of methodology going on there.

MS. HOLMES: That's an argumentative question. If you've got a factual question, that's fine.

MS. PEASHA: Okay, okay. According to your resume, Mr. Edwards, you are the Supervisor of the Cultural, Visual and Socioeconomic Resource Unit, is that correct?

MR. EDWARDS: Yes.

MS. PEASHA: And as the supervisor, I see in your resume that you're responsibilities include overseeing the staff in their analyses of culture, visual and socioeconomic issues, is that correct Sir?

MR. EDWARDS: Yes.

MS. PEASHA: Your resume states that your duties do not include the preparation of technical analyses, is this correct?

MS. HOLMES: Do you want to look at your resume before you answer that question, so you know exactly what it says? We can pull it from

the FSA.

MR. EDWARDS: That would be helpful.

MS. PEASHA: So you --

MS. HOLMES: We're waiting. He needs to have it in front of him before he can answer your question.

MS. PEASHA: Did he not answer my question? Oh, okay, I'm sorry, I didn't understand that.

MR. EDWARDS: It doesn't appear that it specifically -- or it does not state that I do testimony or do analyses in cases on any of those subjects that I supervise. However, my duty statement, which is other than my resume, does say that basically I am responsible for the products that come out of the unit.

And on occasion, that means that I have to, whether it's for a resource issue that somebody is not available to actually do the work, or many other reasons that may come up over time, have to take on the responsibility to actually write or perhaps, not even write, but assume the technical testimony level at hearings and other things when people are not available to do so.

It's a pretty wide range of stepping in

when needed. In this particular case, as I said, we had a revised methodology which was important to start using. And I volunteered basically to step in and do this one.

MS. PEASHA: Well, Mr. Clayton, he prepared the visual structure analysis, why couldn't he also perform the plume analysis?

MS. HOLMES: Are you asking him why he didn't? Because that's a question I won't to object to.

MS. PEASHA: Well he just told me, well okay -- prior to 1998

HEARING OFFICER SHEAN: Let's just -- you asked the question, do you want to object to it? Why he did not, why Mr. Clayton did not?

MS. HOLMES: I objected to why couldn't he. I said if she wanted to ask why he didn't, then I would not have an objection to that question.

MS. PEASHA: Okay. I will, let me rephrase that, please then. Prior to 1998, before you were the supervisor of the unit, had you ever prepared technical analysis or testimony in the area of visual resources?

MR. EDWARDS: No.

MS. PEASHA: I presume that you have a number of technical staff at your hands that could have prepared the visual plume analysis, is that correct?

MR. EDWARDS: Partially correct. I have two or three or so staff members that can do a visual impact analysis. The availability of those staff is a totally different question. And in fact, in recent years, Staff availability has been very poor with house, to the extent that we've had to hire outside consultants, which we've also kept extremely busy.

Mr. Clayton is one of those. It's my recollection that based on where we were at the time that this analysis was being done, that Mr. Clayton already had his hands full. And that is certainly part of the reason that I volunteered to do this analysis.

MS. PEASHA: Mr. Clayton is that true on your aspect?

MR. CLAYTON: Yes, in the sense that at the time that the analysis was done, the visual resources methodology dealing with structures was proceeding. We were in a process of revising and refining the plume analysis, the plume

methodology.

And we were to keep on schedule and on track, it was decided that that structural analysis would go forward and then with, as Dale has alluded to with my other project workload, I was not able to come back in and pick up a plume analysis at a later date.

MS. PEASHA: So there was no way that you could have performed the plume analysis as well as the visual structure analysis on this project?

MS. HOLMES: At this point, I am going to object. If she wants to challenge the witnesses qualifications, as an expert, that's a legitimate activity she can undertake. But it is not a legitimate question to who Staff could have assigned amongst it's experts to do this kind of analysis.

HEARING OFFICER SHEAN: Well I think rather than that, the proper objection would have been, it's been asked and answered. And I think that is correct. That he has already answered it to the extent that he can. He had other --

MS. PEASHA: Mr. Edwards, did you agree with the methodology used to determine the

significance impacts from the cooling tower plumes?

MS. HOLMES: Are you asking him whether he agrees with his own testimony? Is that the criteria you're referring to?

MS. PEASHA: Well, I'm asking him that he -- did he prepare the plume analysis because he did not agree with the -- what his technical staff may have provided? Or was there a disagreement between your methodology with you and your staff?

MR. EDWARDS: Which methodology are you talking about?

MS. PEASHA: About the cooling tower plumes?

MR. EDWARDS: The current methodology that I used?

MS. PEASHA: Yes.

MR. EDWARDS: As I think we've already described, there's been a lot of discussion, in particular over the last couple of years about the plume methodology and it's structure and what elements it should consider. And even back to the ten percent threshold that we've spoken of. All these things are subject to discussion, or have been subject to discussion over time to seek out

improvements to the methodology. It is true that not everybody agrees all the time.

And there is a desire on my part at least, as a supervisor of the unit to make progress on how we do our work. And I think it would be true or appropriate to say that some people that do visual analysis agree with the methodology changes that I've used in my analysis of this project. And there are others that disagree.

MS. PEASHA: But, as a supervisor, you usually do not supply the analyses, is that correct?

MR. EDWARDS: It's not desirable. It's not, as I said, it's not something that I do as a rule, but it's certainly something that is within the duties of my job. And when I say it's not desirable, it's because I have many other things I'm doing as well.

MS. PEASHA: Okay, in the area of visual assessments, there are two separate analysis by the two separate authors that essentially cover the same topic. That is the visual impacts of the proposed plant. Is that correct?

MS. HOLMES: Is that a question?

MS. PEASHA: Yes.

MR. EDWARDS: Yes.

HEARING OFFICER SHEAN: She said is that correct? But that was asked and answered, that was actually one of your first and very good questions. So, if you're going to go somewhere, maybe you can tell me where you're going to go now with the line of questioning?

MS. PEASHA: I don't believe that the methodology that the technical staff wanted is what he agreed on.

HEARING OFFICER SHEAN: Okay. And he has testified that there are differences of opinion within his unit and he proceeded with the analysis that he provided and not everyone agrees with that.

MS. PEASHA: Isn't the more common other project proceedings to combine the impact analysis of the plumes and the building structures together under one assessment?

MR. EDWARDS: I think your asking me is it commonly -- that there --

MS. PEASHA: Is the more --

MR. EDWARDS: It is commonly that they're combined? And yes that's true.

MS. PEASHA: Okay, in looking at the visual plumes appendix B, I have some questions as to how you use this analysis to determine your significance in your analyses.

MS. HOLMES: These would be questions for Mr. Walters. I believe he's sponsoring appendix B.

MR. WALTERS: Actually if it's any determination of significance then it would still be Mr. Edwards.

MS. HOLMES: Well, then let's fight for the question.

MS. PEASHA: Thank you. Table-3 of appendix B shows various predicted cool tower plume dimensions, is that correct?

MR. WALTERS: Yes it is.

MS. PEASHA: I was struck at looking at this Table, how big these plumes can be at certain times. Using the model of Staff, that Staff that model used, it is possible at times the visible plumes can be anywhere from 200-feet to 4000-feet tall. Am I reading this correct?

MR. WALTERS: Yes you are. And that's the basis of the model. You have to realize that the model assumes all meteorological conditions

that occur.

So when it's foggy out, or the other 100 percent relative humidity conditions, the water has no place to go. So those hours, particularly when you're looking at the all hours category, are generally hours where you don't have a good visible condition. You have an impaired condition already.

MS. PEASHA: So referencing to the Rancho Seco towers, at 426-feet high, they could be up to ten times as high as the towers alone, is that correct?

MR. WALTERS: That's what the modeling predicts.

MS. PEASHA: Looking at Table-9 of the appendix B, this Table shows frequency in hours and number of seasonal days when plumes occur. To help me understand this, the first column, the relative plume size, is the same percentile ranking as the percentile column shown in Table-3, correct?

MR. WALTERS: The uh, they're percentiles, but I don't think Table-3 uses all of the same cuts. They go one to five, to ten to fifteen, whereas we have one, five, ten and fifty.

But, I mean the percent -- I mean it's a percentile. So that's the only way to say that they're the same.

MS. PEASHA: They are -- then that is yes to that?

MS. HOLMES: That mis-characterizes his answer.

HEARING OFFICER SHEAN: Well, let's get it clear then. Is top one percent the same as top one percent, is top five percent the same as top five percent, is top ten percent same as top ten percent, understanding that one says 50 percent and the other does not say 50 percent?

MS. HOLMES: Again, there is a number of top one's, five's, ten's and fifties in Table-3, so let's at least be clear about which ones we're talking about. Mr. Walters.

MR. WALTERS: In relation to the data, it's different. Because this particular data set uses the clear, specifies the clear hours. So it's not the same as the other three data sets.

MS. PEASHA: Well that would be --

MR. WALTERS: It's a further refinement of the analysis. To give you some background, let me tell you how we do the analysis to start with.

What we do initially, is we make a determination of whether or not we have what we consider a baseline problem, which requires more analysis. And that is defined as, if plumes are more frequent than ten percent of seasonal daylight, no rain, no fog. Which this case, did go over the ten percent. So additional analyses is performed.

That additional analysis uses the clear hour background to determine the impact, or to determine the impact that the visual resource staff determines, because I don't determine impact.

What we're looking at then, is we're determining that when we have plumes, that have contrasting background, or essentially a high visual contrast hour, which is essentially what the clear hour is. So it's a further refinement of the data. And so it's actually a slightly different set of data then is provided in Table-3.

MS. PEASHA: -- okay, so first, example under the Table-9, row top, five percent, approximately 33 percent of the days between November and April, or about 60 days, I would expect to see a plume in the top five percentile, correct?

MR. WALTERS: In a top five percentile from Table-6, yes?

MS. PEASHA: From table --

MS. HOLMES: She's looking at Table-9.

MR. WALTERS: Right, what I'm saying is, when you are taking the size that relates to that percentage, you need to use Table-6, not Table-3, because these are both clear hour Tables.

MS. PEASHA: Well, Table-3, in the height row, five percent, the height of the cooling tower plumes could be almost 600-feet tall with 1000 megawatt power plant.

MS. HOLMES: Again, which one of the columns and which one of the rows are you referring to on Table-3?

MS. PEASHA: Table-3 towards the bottom of the table of the height.

MS. HOLMES: Are you referring to the seasonal daylight, no rain, no fog hours?

MS. PEASHA: I am looking at, in the height row, five percent. The height of the cooling tower plumes for between November and April.

MS. HOLMES: Do you understand where she's looking, Mr. Walters?

MR. WALTERS: No, not exactly.

MS. HOLMES: I believe it's Table-3?

MS. PEASHA: Yes.

MS. HOLMES: Seasonal daylight, no rain/fog hours, height, fifth percentile.

MS. PEASHA: Right.

MR. WALTERS: And which column are you referring to?

MS. PEASHA: The bottom of the Table. In height row-5, the height of the cooling plume towers at 600-feet with 1000 megawatt.

MS. HOLMES: I'm sorry, we're not -- I'm not finding that.

MR. WALTERS: We have four distinct columns.

MS. PEASHA: I understand that, I don't have those in front of me because I've got everything else in front of me here. There we go. Uh huh, okay, thank you for doing that for me. Okay, Table-9, row at five percent, uh -- I have that backwards, wait a minute. Table-3 at five percent, days with plumes, would be in the bottom of the Table-3 there. At five percent would be anywhere from -- to a thousand, almost 600-feet tall.

MS. HOLMES: I'm sorry, I'm still not finding your reference on Table-3.

MS. PEASHA: Table-3, five percent under the CSBP model 18 cells, which would be the whole, would be 597 is what it says.

MR. WALTERS: Right, but that's meters, not feet.

MS. PEASHA: That's meters. So you're telling me the height of the plume at five percent would be almost 600 meters?

MR. WALTERS: See, that's what the model predicts. The model is somewhat conservative. Much like air quality modeling, the modeling we perform is somewhat conservative so that we make sure that we don't underestimate the impacts.

MS. PEASHA: So for about 60 days out of the year I'm going to see towers or plumes higher than Rancho Seco from my house?

MS. HOLMES: Could you rephrase that question again please?

MS. PEASHA: For about 60 days of the year, and that's the -- in that period of time, between November and April I'm going to see plumes, I could see plumes taller than the Rancho Seco Power Plant?

HEARING OFFICER SHEAN: Towers.

MS. PEASHA: Towers.

HEARING OFFICER SHEAN: Cooling towers.

MS. PEASHA: Yes, the cooling towers themselves.

MR. WALTERS: Excuse me, what was the percentage again that you stated?

MS. PEASHA: Uh, 60 days a year, you know, two months, or --

MR. WALTERS: That would be approximately right, but it's not exactly the way we set the data up, so I couldn't give you an exact number. I mean I can sort the data in that fashion, but it would take me a while.

MS. PEASHA: But, but, in good conscience wouldn't you say that where I live, looking at a plume for an hour or so for every day for over two months at that height is highly significant?

MR. WALTERS: I don't do the significance analysis.

MS. PEASHA: Mr. Edwards?

MR. WALTERS: But just to give you a framework of the plumes. The largest plumes generally occur in the first, what we call the

first hour of the day, which is actually a partial hour, that includes, that would include false dawn, and dawn and any -- essentially the first hour we consider daylight hour includes at least 30 minutes after sunrise. The largest plumes are always generally in that first hour.

Or in the second hour right after sunrise and the plumes get smaller throughout the day or in fact, you don't have plumes during parts of the middle of the day. And then occasionally the plumes will start reappearing and or get a little larger at the very end of the day, but they'll never be the really large plumes, which are always first thing in the morning.

MS. PEASHA: Depending on the ambient temperature, though, isn't that correct?

MR. WALTERS: But the ambient temperature is what we use in the modeling, we used hourly data for four years of hourly data.

MS. PEASHA: So I can say for 60 days of the year I'm going to be looking at plumes that could be that large.

MR. WALTERS: If you get up first thing in the morning and look at them.

MS. PEASHA: Okay, Mr. Edwards, in your

testimony on page 4.11-15, you discussed there were mitigation measures that would reduce the dimensions and frequency of the visual cooling tower plumes, is that correct?

MR. EDWARDS: Yes.

MS. PEASHA: Is a wet/dry plume abatement technology that you describe commercially available?

MR. EDWARDS: Yes.

MS. PEASHA: Has the other -- has this plume abatement technology been applied to other power plants in California or elsewhere in the United States?

MR. EDWARDS: Yes.

HEARING OFFICER SHEAN: Which is it, California or the United States? She made it compound at the end.

MS. PEASHA: Both in California and elsewhere in the United States.

HEARING OFFICER SHEAN: I know and I want to get it, which one.

MR. EDWARDS: I agree, yes.

HEARING OFFICER SHEAN: California?

MR. EDWARDS: In California.

MS. PEASHA: And in the United States.

And elsewhere in the United States too Sir.

MS. HOLMES: If you know.

MR. EDWARDS: I don't have exact knowledge of that, but I would certainly expect so.

MS. HOLMES: Mr. Walters says he can answer that question.

MR. WALTERS: Yes, it has been used in other areas of the United States, primarily in really cold weather areas of Chicago, New Hampshire, areas like that.

MS. PEASHA: Uh, we already asked that question.

HEARING OFFICER SHEAN: For purposes of clarification in the statement on 4.11-15 when you say a wet/dry plume abatement system for the proposed CPP would cost approximately 2.5 million et cetera. is that -- when you refer to wet/dry at that point, is that a hybrid wet/dry cooling system?

MR. EDWARDS: Yes.

HEARING OFFICER SHEAN: Okay, let me just go one step further for clarification. Are there plume abatement techniques for wet cooling that would reduce the size of cooling tower plumes

in the wet cooling situation?

MR. EDWARDS: I don't have a lot of information on that, I'm not -- maybe Will does.

MR. WALTERS: Well, there are other technologies that you wouldn't actually call a wet cooling tower. There is a wet surface air condenser, which can reduce plume formation depending on how it's designed and built. Obviously there is air cooled condensers, which again is a different technology.

And then there's the wet/dry systems, which are essentially a dry, or well, or often times a dry unit that is either on the side of or on top of the conventional wet cooling tower, which brings the exhaust condition below saturation level. And that's essentially how it works.

So it's not exactly a different technology, it's actually adding a technology onto a conventional wet tower. In the case of the type of hybrid, or type of wet/dry that we're considering here.

MS. PEASHA: Would it significantly lower the plumes?

MR. WALTERS: It would depend on the

design. As you can see in the Table that I provided, I mean, there are lots of different ways to design it. In terms of how much dry cooling you put above the wet cooling section. So it can essentially eliminate the plume if you put in enough dry to the point of very, very low frequencies.

But if you put in a system that's smaller, in fact, the system that we identified as the 2.5 million case, I believe is a minimal system, is essentially the first or smallest amount of dry cooling that you would put on or at least that is generally commercially available.

And it would be more similar to the top row of the Table where I identify the plume abatement, the 52 degree fahrenheit, 73 percent relative humidity design point.

MS. PEASHA: But with the wet/dry you could significantly take away the impact of visual sensitivities?

MS. HOLMES: I think Table-13 speaks for itself. He's identified the amount of reductions that you would get based on the model results, based on the design that you used. If you have an additional question about Table-13, please go

ahead and ask it.

MS. PEASHA: Page 10 of appendix B, this study shows -- the plume abatement section in here, the cooling tower plumes can be abated through the use of air cooled condenser dry cooling. That is prepared by, who is that prepared by, Mr. Walters? Is that who?

MR. WALTERS: Yes.

MS. PEASHA: Okay. So to eliminate -- I mean, in your opinion to -- for plume abatement isn't the dry, wet/dry system in your -- or the dry cooling system for visual impacts most appropriate?

MR. WALTERS: If you needed to abate the plume, like I said, there are at least three technologies you could use and it would depend on how you wanted to design the system. Or what level of abatement you would need. I mean, if you were in a situation where you had a local regulation that said no plume, you'd want to go to an air cooled condenser. In this setting, we don't have any local or state regulations that deal with plume frequency. So it's our CEQA analysis that Dale performs in terms of significance.

MS. PEASHA: Okay, considering using what you have now, or what you have applying to use, taking into consideration the quarterly wind reports from sub-section 8 in the air quality, the winds from the northwest, would those, would those winds not blow that right over your entry and right over East Clay Road.

MS. HOLMES: Can you, can you, again, what are you referring to in the air quality section?

MS. PEASHA: The wind, the wind figures in the --

MS. HOLMES: In the AFC?

MS. PEASHA: Yes.

MS. HOLMES: And where in the AFC?

MR. WALTERS: Page?

MS. HOLMES: Mr. Walters says he doesn't need it in front of him to answer the question.

MS. PEASHA: Okay.

MR. WALTERS: The one thing actually I don't know, is exactly where the entrance is, because it's not actually my entrance.

MS. PEASHA: Okay.

MR. WALTERS: To say that when there is plume, when the wind direction is from the

northwest or west northwest and if the plume is large enough, it will cross over the road that's south of the site. Our modeling didn't show a lot of ground level fogging in that direction. We actually showed ground level fogging in the opposite direction.

MS. PEASHA: Well, from my, from my visual impact, I can, those towers disappear at night, the twin towers. So the visual impact of these plumes when there's westerly northwest winds could be just as significant to the entrances of your plant. If in fact they were of -- through those -- uh -- that quarterly time when they're the most significant.

MR. WALTERS: Again, I don't understand how that would impact the entrance to the plant. Since the plumes

MS. PEASHA: Well because they're going to be -- because of deliveries, transportation and all, that's what I'm getting at. Won't there be a significant impact on the visual or the -- do you understand, Mr. Shean where I'm coming --

HEARING OFFICER SHEAN: Yes and I think he answered your question. In terms of driver visibility on Clay East Road, if I understand his

testimony, and just double check this. Your testimony was that your modeling did not indicate that there would essentially be a ground hugging effect of the plume that would interfere with driver safety for either employees or deliveries to the entrance of the proposed facility off of Clay East Road, is that what you testified?

MR. WALTERS: Yeah, that, that's correct? Essentially the plumes will be elevated and will be above the roads.

MS. PEASHA: Are you familiar with the undulations on that road and all, and you still believe that it will not impact that road at all?

MR. WALTERS: I'm not familiar with all of the undulations of the road. But essentially as the topography goes up, the plume will go up with the topography for the most part. Because there will be a boundary layer of air underneath that will keep forcing it up.

MS. PEASHA: There will be a boundary layer of air forcing up that even with the winds blowing from the northwest.

MR. WALTERS: What I'm saying is if you have plume, and it's reaching an area of topography and that plume is elevated and there is

an area that is below the plume, the wind essentially is going to force everything, up and over the mountain, so that boundary layer will still cause the plume to stay elevated above the elevated terrain. I'd only expect if we had really severe elevated terrain you could have an actual impact.

MS. PEASHA: Wouldn't that depend on how far the towers are from the road?

MR. WALTERS: Actually it would depend on the difference in contours and how close those differences in contours were.

MS. PEASHA: And the difference between where the towers sit and where -- the distance of road. I mean essentially they are going to come down.

HEARING OFFICER SHEAN: If you have a question in there, first of all he testified that this fundamentally is either terrain following or, I think it should be asked, given the enhanced thermal character of the condensate that's part of the plume, is rising anyway. I mean there's the velocity out of the cooling tower and since it's heated, they tend to rise. Is that correct?

MR. WALTERS: Yeah, the plume is --

HEARING OFFICER SHEAN: So in terms of ground following, which was your question, which I think your talking about impairing driver safety on Clay East Road, is that the idea? And do you have a concept in mind and you know approximately where Clay East Road is? Is that correct? Do you see a circumstance in which the plume could impair driver safety by being at or near ground level along Clay East Road within the model?

MR. WALTERS: -- well I could tell you, the model doesn't predict it. Uh, in terms of general experience, sometimes plumes, at the very far tail end, particularly in extremely cold weather conditions, that condensation will actually create a situation where the plume is a little denser than the ambient air as it cools and gets, actually gets pretty small towards the end.

And it will occasionally dip down and there will be a small tendril that will come down and get close to the ground. But it's not a very significant plume fogging as opposed to when we have a high wind condition and we have downwash. And you would have a wide and rather opaque type of ground fogging event.

HEARING OFFICER SHEAN: Okay.

MS. PEASHA: So it will be -- so it be an opaque ground fogging effect with those wind conditions?

MR. WALTERS: No, I said actually the reverse.

MS. PEASHA: Oh you did?

MR. WALTERS: Uh, I guess from experience I can say I've driven pass the Carson Refinery, oh several thousands of times and I've never seen a plume actually hit the 405. I've seen it go over the 405. Many times I've seen it go over the 405 and last so far I couldn't see the end of it during the night. But I've never seen it hit the 405.

HEARING OFFICER SHEAN: Okay, we're at noon. We have a request for public speaking. And why don't we make, I guess that chair and that microphone available to Ms. French. And we have another speaker as well.

MS. FRENCH: Good morning, or afternoon. My name is Karen French and I am a home and land owner in Harold. I live on the south side of Twin Cities Road, less than two miles due west from the proposed project on a hillside that is comparable

in elevation to the project. Thus, I have a direct and clear view of the existing Rancho Seco site from ground level to the top of the towers and also of the ground level of the proposed site.

There are at least five other home owners with comparable vistas. None of the KOPs precisely represent this area or are from this particular direction. Previously I've submitted written communication on the project and public comment. And I would like to thank you for holding the hearing in Harold and I would also l like to thank the Public Advisors Office for their assistance.

I want to make it clear from the start that I'm not coming forward in opposition to the construction of this plant. My sole mission is to do my best to ensure that SMUD is a good neighbor and does everything reasonably possible to mitigate the impacts on this plant on me, my neighbors and the many valuable resources of this community.

I come before you today to comment specifically on the issue of visual resources of the proposed power plant. I've reviewed the FSA for this project as well as the visual resources

section of the FSA's on the Russel City and Metcalf Projects. I would note that in both of those projects, the visual impacts of the plant were authored by one individual and incorporated plume impacts.

There are three points that I wish to make. First, Commissioner, it strikes me as odd that in this case there are two separate analyses for the visual impacts from the power plant by two different authors, especially since one is a manager and one is a technical person. Why is that? Is there something going on here that the CEC Staff is trying to cover up?

If I were to ask Mr. Clayton what he thinks about the significance of the cooling tower plumes, I wonder what he would think? But we'll never know since Mr. Clayton, the technical expert, didn't sponsor the testimony.

Second, this whole topic is extremely subjective. While I do not question Mr. Edwards competence as a manager, he does not have a technical background in this field. He is no more an expert in determining significance than you or me or Kathy Peasha, or anyone else.

I along with the other residents of this

area are the ones who are going to have to live with seeing these ugly industrial plumes. I came out to live in the rural countryside to get away from the blight of industry. Despite the ugliness of Rancho Seco, the rest of the area is not an industrial part, but a beautiful rural landscape. The ugliness of Rancho Seco should not be a justification to further degrade the vistas in this area with another ugly power plant.

Mr. Edwards is not the one who has to live seeing these plumes all the time. We are. I believe that Mr. Edwards is wrong in his conclusion that these visual impacts from these plumes are not significant. You've heard testimony today that plumes as high as 2000 or 3000-feet could occur. And that for 293 hours there will be significant plumes, in terms of size. That they will be larger than the existing Rancho Seco towers.

You've also heard that these are likely to be in the early morning hours. I can tell you that those of us who live in a rural community are generally up before dawn doing our chores, we're outside and we will see these. So it's not insignificant that they will be in the early

morning hours.

And finally, there is a way this visual blight of these plumes can be virtually eliminated. And the CEC Staff even mentions it in numerous places. First, Mr. Edwards says that even if he does not recommend mitigation, he mentions in his own testimony that use of wet/dry plume abatement technology could be applied that would virtually eliminate those plumes.

On top of Mr. Edwards saying that there are means of eliminating these plumes. Then, there is Mr. Walters analysis in appendix B. Mr. Walters elaborates in his analysis that plume abated towers would dramatically reduce the visual impacts from these plumes.

Commissioner, it's almost like the CEC Staff is dropping hints, that you, the Commissioners could require the application of plume abatement, but we, the Staff, don't or won't or can't recommend it. As a member of the public who would have to see this project for many years to come.

I urge you to require that SMUD apply plume abatement technology to their proposed power plant, so that our beautiful views, out here in

the country are not destroyed. Thank you for allowing me the opportunity to comment.

PRESIDING MEMBER PERNELL: Thank you. The Committee does appreciate public comment, especially those that are directly effected by the project. So I do want to thank you for coming in.

MS. FRENCH: Thank you. I would also like to submit written testimony, but it's not really in written form yet. If I could submit that next week?

HEARING OFFICER SHEAN: Is that what -- the remarks you've just made?

MS. FRENCH: Yes, the remarks I just made.

HEARING OFFICER SHEAN: Well, just note if you'd like to do that, that's fine. We are transcribing everything that you have said. So we have it one way or the other.

MR. FRENCH: But it will be on the record so it's not necessary. All right.

HEARING OFFICER SHEAN: Thank you Ms. French. All right, we have Virginia Colla, who is also a member of the public.

MS. COLLA: Good morning.

HEARING OFFICER SHEAN: Good morning and

welcome.

MS. COLLA: Thank you. I'm Virginia Colla, one of the first things, I live right near the Cogen Plant. I live within two and half three miles in Sacramento. I was put out on disability quite a few years ago, so I had to be busy. So I am on the Franklin Redevelopment Area Committee for Franklin Boulevard, which we've done a number of beautiful things. I mean, new facade's, the whole bit.

Also, we've been very active with -- I have been to the plant there. I have been very -- we've always felt very good because Mr. Nelson would come anytime -- I wasn't really involved as per say, but three ladies were on the Committee to ask questions in the very beginning when we had our plant.

HEARING OFFICER SHEAN: Now when you're referring to our plant, is that the Campbell Soup?

MS. COLA: That's the one on 47th Avenue, yeah, Campbell Soup. And anyhow, they really went above and beyond giving answers. I mean, I didn't have the expertise, but we did have somebody on our Committee who does have some, you know, teeth in it, but anyhow, the fact is that

we've not had any problems. I've been in the plant. I've seen it. I've walked, you know, through it and didn't feel like anybody was hiding anything or anything.

And also, as far as I'm, I've walked over 4,000 miles, which is no big thing, from -- I go from my house past that, down to the Florin Road. And honest, I was just listening to this plume, and I don't remember looking up at it much anymore, or even noticing when it does go off. Because it's just part of the -- what happens, you know in our area.

Now, whether that's right or wrong, but we've been real happy. There's been times when we've had a question and Mr. Nelson has come to our PAC, RAC meet, well it was PAC, we didn't have any money, but now we got a little money, so we're RAC.

(Laughter.)

MS. COLLA: Well, true. Anyhow, we talked about it for five years. But anyhow, I really think that they need it. And I know, I've lived in the county had places and you know, but there's so many people and so many houses, and so many things that we've got to have something and

that looks like a real place that would be out of peoples way. And I think if we're real busy, we don't have to watch the cloud. But that's only my opinion. So that's it.

HEARING OFFICER SHEAN: All right, thank you Ms. Colla.

PRESIDING MEMBER PERNELL: Ma'am, who is Mr. Nelson, who does he represent?

HEARING OFFICER SHEAN: SMUD.

PRESIDING MEMBER PERNELL: Oh, that's Bob.

(Laughter)

PRESIDING MEMBER PERNELL: Thank you, and again, thank you for coming and testifying before the committee.

HEARING OFFICER SHEAN: All right, we'll take our lunch break now and I think as we did yesterday, give ourselves about three quarters of an hour, which means returning at about ten minutes to one.

We have a number of topics to cover and maybe the people who anticipate doing that can think in terms of how we can tighten this up time wise.

MS. HOLMES: I have a few re-direct

questions as well.

HEARING OFFICER SHEAN: Okay, but they're not going to happen now.

MS. HOLMES: I understand that.

HEARING OFFICER SHEAN: Okay.

(Thereupon at 12:10 p.m. a lunch break was taken.)

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